

## Bethany, OK Code of Ordinance

## TITLE XV: LAND USAGE

## CHAPTER 150: BUILDING REGULATIONS; CONSTRUCTION

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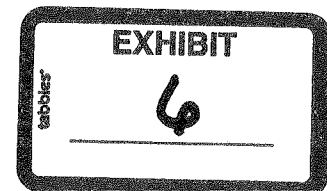
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## **BUILDING PROVISIONS**

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### **§ 150.001 BUILDING CODES ADOPTED.**

(A) *Adoption of codes.*

(1) (a) There is hereby adopted for the purpose of establishing rules and regulations for the construction, alteration, removal, demolishing, equipping, using and occupancy, location and maintenance of buildings and structures, including permits and penalties, those certain building codes known as:

1. The International Building Code, 2006 Edition, as published by the International Code Council, hereinafter referred to as "Building Code," and

2. The NFPA 101: Life Safety Code, hereinafter referred to as "Safety Code," published by the National Fire Protection Association, being particularly the 2006 edition, and all amendments thereof.

(b) Save and except the portions of each as are hereinafter deleted, modified or amended, of which no less than one copy of each have been and now are filed in the office of the City Clerk. The Building Code and the Life Safety Code are hereby adopted and incorporated as fully as if set out at length herein.

(2) From the date on which this section shall take effect, the provisions of the Building Code and the Life Safety Code as herein modified shall be controlling in the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of all buildings and structures within the corporate limits of the city. As the Building Code and Safety Code are subsequently amended or modified, the changes shall be incorporated herein by reference.

(3) The following insertions and deletions are made to the Building Code:

(a) The words "the City of Bethany, Oklahoma" are inserted in the second line of Section 101.1;

(b) The words "The permit fees for performing the activity described in this chapter shall be set periodically by the City Council of the City of Bethany, Oklahoma, by duly adopted resolution, and the fees may be amended by resolution of the Bethany City Council." are inserted into Section 108.2.

(c) The words "the City of Bethany, Oklahoma, Oklahoma County, revised May 2, 1995" are inserted in the second line of Section 1612.3;

(d) The words "August 1, 1961" are inserted in the first line of Section 3410.2.

(e) Section 101.4.7 pertaining to the provisions of the International Energy Conservation

Code are deleted.

(f) The following design criteria are inserted into Table R301.2(1) of the International Residential Code (adopted by reference in Section 101.2 of the International Building Code):

Column 1-Ground Snow Load: 10 psf

Column 2-Wind Speed: 90 mph

Column 3-Seismic Design Category: C

Column 4-Weathering: Moderate

Column 5-Frost Depth Line: 18 inches

Column 6-Termite: Yes

Column 7-Winter Design Temperature: 13 Deg F

Column 8-Ice Barrier Underlayment Required: No

Column 9-Flood Hazards: FIRM dated 2 July, 2002

Column 10-Air Freezing Index: 333

Column 11-Mean Annual Temperature: 61.0 Deg F

(g) The words "thirty" and "twenty-four" are inserted in the third and fifth lines respectively of Section P2603.6.1 of the International Residential Code (adopted by reference in Section 101.2 of the International Building Code).

(B) *Amendments to Residential Code for 1 and 2 Family Dwellings and Townhouses.* The provisions of the International Residential Building Code for One and Two Family Dwellings and Townhouses is hereby amended and modified as approved by the Oklahoma Uniform Building Code Commission and as set forth in OAC 748:20-5-1 to 20-5-23.

(Prior Code, § 5-201) (Am. Ord. 1255, passed 10-4-83; Am. Ord. 1420, passed 2-26-88; Am. Ord. 1468, passed 12-18-90; Am. Ord. 1765, passed 6-20-06; Am. Ord. 1792, passed 12-18-07; Am. Ord. 1855, passed 9-20-11)

**Statutory reference:**

*Building codes; adoption by cities, see 11 O.S. § 14-107*

*Specific codes, see 74 O.S. § 324.8*

**§ 150.002 SAFETY CODE; CONTROL.**

Section 102.4 of the Building Code is amended to include:

“Whenever any of the provisions of the Safety Code are in conflict with or are more restrictive than provisions of the Building Code, the Safety Code shall control.”

(Prior Code, § 5-202) (Ord. 1298, passed 8-7-84; Am. Ord. 1420, passed 2-26-88; Am. Ord. 1792, passed 12-18-07)

#### **§ 150.003 REPAIRS.**

Section 105.2.2 of the Building Code is amended to include:

“Notwithstanding the provisions of this section, the owner and occupant of a single-family residential dwelling performing alterations or modifications to the existing dwelling shall be considered ordinary repairs; provided that ordinary repairs shall not include any exterior additions to the existing dwelling. Ordinary repairs shall not include the cutting away of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.”

(Prior Code, § 5-203) (Am. Ord. 1420, passed 2-26-88; Am. Ord. 1792, passed 12-18-07)

#### **§ 150.004 LICENSE REQUIRED.**

Section 105.3 of the Building Code is amended to include:

“No person, firm or corporation shall operate a place of business or engage in the business of contracting to do construction, repairing, remodeling or altering of buildings or structures within the city without first obtaining a building contractor's license and paying the tax thereon, as required.”

(Prior Code, § 5-204) (Am. Ord. 1420, passed 2-26-88; Am. Ord. 1792, passed 12-18-07)

#### **§ 150.005 INSPECTIONS.**

Section 109 of the Building Code is amended to include:

“It shall be the duty of the owner, contractor or permittee to inquire with the City Inspector as to the times or stages that inspection shall be required and advise the engineering and inspection department when the owner, contractor or permittee is ready for inspection.”

(Prior Code, § 5-205) (Am. Ord. 1420, passed 2-26-88; Am. Ord. 1792, passed 12-18-07)

**§ 150.006 BOARD OF APPEALS; MEMBER QUALIFICATIONS.**

Section 112.3 of the Building Code is deleted and the following is substituted therefor:

“The membership of the Board of Appeals created herein shall consist of one general building contractor, one electrical contractor, one plumbing contractor, one forced heat and air contractor and one professional architect or engineer. All of the members shall be residents of the city and any contractor appointed shall be licensed by the city to pursue his or her respective occupation.”

(Prior Code, § 5-206) (Am. Ord. 1420, passed 2-26-88; Am. Ord. 1792, passed 12-18-07)

**§ 150.007 STRUCTURES OVER EASEMENTS OR RIGHTS-OF-WAY.**

Section 3201 of the Building Code is amended to include:

“A. No permanent structure shall be located, constructed, placed or erected on a public easement or right-of-way; provided, portable buildings on skids or platforms, fences, driveways and other structures not permanently affixed to the ground shall not be prohibited by this section. For purposes of this section, “public easement or right-of-way” means any easement or right-of-way dedicated to the public for any purpose, whether recorded or not, “permanent structure” means anything which requires location on the ground or which is attached to something having location on the ground.

B. Non-permanent accessory buildings not exceeding 240 square feet in size and encroaching on a public easement or right-of-way as provided in (A) above shall be constructed on skids or platforms allowing the entire structure to be moved by connecting a towing or winching device to the platform or skids.

C. All accessory buildings in excess of 240 square feet in size shall be considered permanent structures and shall be located on a permanent footing. These accessory buildings shall not be located over utility easements or rights-of-way.

D. No building permanent, portable or non-permanent shall be located over any gas line.

E. Non-permanent, portable buildings may be located in the side yard setback, but no part of the building including any roof overhang shall extend beyond the property line of the property on which the building is located.”

(Prior Code, § 5-207) (Ord. 1410, passed 9-5-87; Am. Ord. 1420, passed 2-26-88; Am. Ord. 1642, passed 10-3-00; Am. Ord. 1792, passed 12-18-07)

**§ 150.008 STORAGE OF FLAMMABLES.**

Section 413 of the Building Code is amended to include:

“1. No tank or tanks for the storage and distribution of oil, gasoline and other inflammable and explosive liquids and commodities shall ever be erected, built, rebuilt, constructed, maintained or enlarged in the city limits unless the tank or tanks be constructed and maintained at least three feet below the natural surface of the earth;

2. All oil, gasoline and other inflammable and explosive liquids, where kept for use in heavy or commercial equipment, shall be kept in an iron or steel container, securely closed, in quantities not to exceed 300 gallons, and may not be located in a highly populated area, and not closer than 100 feet from any commercial or residential building; and

3. This section shall not prohibit the keeping of oil, gasoline and other flammable and explosive liquids for personal use so long as the same are kept in an approved container securely closed, and in quantities not to exceed ten gallons.”

(Prior Code, § 5-208) (Am. Ord. 1420, passed 2-26-88; Am. Ord. 1792, passed 12-18-07)

#### **§ 150.009 LIQUEFIED PETROLEUM GAS.**

Section 415.6.3 of the Building Code is amended to include:

“The use and installation of liquefied petroleum gas equipment, including all devices, piping and equipment pertinent to the use of liquefied petroleum gas, shall be subject to the orders, rules and regulations of the State Liquefied Petroleum Gas Administrator. This section shall not be construed to allow the use or installation of the equipment without first obtaining a permit from the city.”

(Prior Code, § 5-209) (Am. Ord. 1420, passed 2-26-88; Am. Ord. 1792, passed 12-18-07)

#### ***Statutory reference:***

*Similar provisions, see 52 O.S. §§ 420.1 et seq.*

#### **§ 150.010 SHELTERS.**

Chapter 31 of the Building Code is amended to include:

“1. As used in this section, the following definitions shall apply, unless the context indicates otherwise:

a. “Blast shelter” means and includes any structure designed to protect its occupants from a minimum peak over pressure of 35 PSI.

b. “Fall out survival shelter” means and includes any structure designed to protect its occupants from residual radiation, resulting from a nuclear detonation.



c. "Persons" includes any person, firm, partnership, association, corporation, company or organization of any kind.

d. "Storm shelter" means and includes any underground structure designed to protect its occupants from the effect of wind and debris resulting from a storm.

2. No person, firm or corporation shall erect, construct and build a blast shelter, fall out survival shelter or a storm shelter within the city without first obtaining a shelter contractor's license and paying the tax thereon, as required in Chapter 110. Nothing herein contained shall prohibit a person from erecting on his or her own premises for his or her own use and benefit, a blast shelter, fall out survival shelter or storm shelter, after having obtained the necessary permit therefor.

3. No building permit for the construction of a fall out survival or storm shelter shall be issued until plans and specifications for each type of shelter have been approved by the Federal Emergency Management Agency, the State Office of Civil Defense, the County Office of Civil Defense, a registered professional engineer or an architect, and approved by the City Engineer as conforming to standards and specifications set forth in this section.

4. All shelters constructed in the required front-yard set back shall be located:

a. Below established grade with the exception of the air intake and exhaust pipes and hoods, and entrance ways. Entrance ways may not extend more than one foot above established grade; or

b. Above established grade provided the top of the shelter is bermed with fill material with the berm sloping into adjacent grade with a slope of no greater than 3 to 1. The slope of the berm shall not extend into the public right-of-way.

5. No pre-shaped shelter shall be approved, unless the design is sufficient to prevent flotation when shelter is empty and flotation force is considered to be 100%. Weight of earth fill shall not be considered in reducing this flotation factor. All shelters shall be adequately waterproofed to prevent seepage. In addition, the following specifications shall be met:

a. All blast shelters and fall out shelters shall contain a minimum of 75 square feet of floor area with an inside height of not less than six feet three inches. All underground fall out shelters shall be provided with a baffle wall affording at least one right angle turn into the living area, and shall be equipped with a ventilation system producing not less than five cubic feet per minute, per person, of fresh air.

b. Concrete used in construction of underground fall out shelters and storm, shelters shall have a compressive strength of not less than 3,500 pounds per square inch. All blast shelters shall be constructed in a manner to withstand a minimum peak of pressure of 35 PSI.

c. All fall out shelters shall have a protection factor in the range of 40 to 69, and shall be constructed of sufficient mass for its designated category rating.

6. The construction of an underground shelter in conformity with this section shall be exempt from building setback line requirements; provided, however, no underground shelter constructed in the front yard shall be used for regular human occupancy. Nothing in this section shall be construed as to permit any such underground shelter to be built in right-of-way easements."

(Prior Code, § 5-210) (Am. Ord. 1420, passed 2-26-88; Am. Ord. 1724, passed 5-18-04; Am. Ord. 1792, passed 12-18-07)

#### **§ 150.011 SMOKE DETECTORS IN DWELLING UNITS.**

Section 907 of the Building Code is amended to include:

- “1. The owner of a building or structure of IBC Use Groups R-1, R-2, or R-3 as defined in Section 902 of the Building Code (not zoning districts) shall provide smoke detectors and install the same in good working order as rewired herein.
2. All buildings and structures of IBC Use Groups R-1 and R-2 existing on the effective date of this amendment shall, within 12 months after the date, be retrofitted with smoke detectors so as to meet the requirements of this code for new construction.
3. Existing structures of IBC Use Group R-3 shall be retrofitted with smoke detectors so as to meet the requirements of this code for new construction whenever:
  - a. Additional sleeping rooms are constructed; or
  - b. A permit is issued for alterations, repairs or additions valued in excess of \$1,000.
4. Smoke detectors shall be maintained in good working order by the owner of a building or structure of IBC Use Groups R-1 or R-2, and by the owner or occupant of structures of IBC Use Group R-3.
5. Any person, firm or corporation violating the provisions of this section shall be guilty of an offense, and upon conviction thereof, shall be fined in an amount not to exceed \$100, plus court costs, and each day a violation exists shall be a separate offense.”

(Prior Code, § 5-211) (Am. Ord. 1420, passed 2-26-88; Am. Ord. 1792, passed 12-18-07)

#### **§ 150.012 WOOD SHINGLES AND SUBSTITUTE ROOF COVERINGS.**

Chapter 9 of the International Residential Code is hereby amended to read as follows:

“Section R-908 Covenants requiring exclusive use of wood shingles.

1. Declaration of policy. The Council of the city has determined that the use of wood shingles upon a building or structure increases the hazard that the flames of a nearby fire may spread to that building or structure. Because of this finding the Council believes that the citizens of the city should not be compelled by restrictive covenants to use wood shingles for their homes, building or other structures and that the health, safety and welfare of the citizens would be promoted by making the requirements invalid and unenforceable.

The Council is also aware, however, that developers and residents of subdivisions presently protected by the restrictive covenants are vitally interested in maintaining the aesthetic values of their neighborhoods that any law declaring these covenants to be invalid and unenforceable should also recognize the interest of these developers and residents.

2. Covenants requiring exclusive use of wood shingles invalid and unenforceable. All parts of all restrictive covenants contained in any deed, contract, plat or other instrument which require the exclusive use of wood shingles on any building or structure located within the city are hereby declared to be invalid and unenforceable.

3. Option of owner subject to such restrictive covenants: Pursuant to the declaration set forth in Subsection R-908(2) above, the owner of any building or structure subject to a restrictive covenant requiring the exclusive use of wood shingles shall have the option to substitute roof covering materials compatible in color and appearance with the existing roofs in the same subdivision. The determination of compatibility shall be made by the architectural committee or other similar committee of each subdivision; provided, however, that if there is no committee in existence for a particular subdivision, then the determination of compatibility shall be made by the building official.

4. Limitations. The provisions of Section R-908 shall not be construed to abridge or abrogate the authority of the architectural committees of subdivisions or other similar subdivision committees in any respect other than the right to enforce restrictive covenants requiring the exclusive use of wood shingles. All other restrictive covenants shall remain in full force and effect."

(Prior Code, § 5-212) (Am. Ord. 1420, passed 2-26-88; Am. Ord. 1792, passed 12-18-07)

#### **§ 150.013 BUILDING PERMITS, FEES, INSURANCE, EXEMPTIONS.**

(A) Before the issuance of any residential building permit, the contractor shall furnish a certificate from an Oklahoma-licensed insurance company that the contractor has general liability insurance in the amount required for contractors licensed by the Construction Industries Board of the State of Oklahoma (currently \$50,000 combined single limits) and that the applicant has worker's compensation insurance or a worker's compensation exemption verification document.

(B) For purposes of this section a **RESIDENTIAL BUILDING PERMIT** is defined as any building permit for a single-family or two-family residential structure and shall include construction of a new structure, remodel of an existing structure, and the addition to an existing structure and including roof covering replacement and any other building improvement requiring a permit under the international codes as adopted by the city. Not included under the definition of **RESIDENTIAL BUILDING PERMIT** are a single-family or two-family carport, patio cover, storage building, accessory building, pool or fence.

(C) This section shall not apply to a person or persons performing the construction or remodeling to his, her or their own existing single family or two-family on their own property, unless the modifications are being performed by and/or the permit acquired by a general contractor or subcontractor, in which case the general contractor or subcontractor shall meet the requirements of this section.

(D) The City Council shall establish by resolution a fee for the administration of the provisions of

this ordinance which fee shall be added to, assessed and paid as part of the building permit fee.

(E) It shall be unlawful and an offense to perform any of the work described in this section without first obtaining a permit and providing insurance as required in this section. A violation of this section shall be punishable by a fine of not to exceed \$500 plus court costs.

(Ord. 1825, passed 8-18-09)

**§ 150.014 PERMIT FEES ASSESSED IN ADDITION TO EXISTING INSPECTION FEES.**

(A) The city shall charge a state-mandated fee for building permits and renewal of such permits which authorized work governed by codes within the purview of the Oklahoma Uniform Building Code Commission (Commission) as follows:

- (1) For issuance of permit \$5 (or such amount as may be authorized by Commission).
- (2) For renewal of permit \$5 (or such amount as may be authorized by Commission).

(B) Such fees shall be deposited in an account created by the city's Finance Director for that purpose.

(C) The city shall remit the monies in the account on a monthly basis directly to the State Treasury for deposit in the Oklahoma Uniform Building Code Commission Revolving Fund. Along with the deposits required by this division, the city shall also submit a report stating the total amount of funds collected and the total number of fees imposed during the preceding month. The report shall be made on computerized or manual disposition reports as provided by rule of the Commission.

(D) Deposits to the Oklahoma Uniform Building Code Commission Revolving Fund shall be due on the twentieth day of each month for the fees collected during the preceding calendar month.

(E) The city shall further levy and collect a fee of \$0.50 for every construction permit or renewal permit issued. These monies shall be deposited into an account for the sole use of the city. The city shall state the total amount of funds collected and the total number of fees imposed to the State Treasury in the Report required by division (C) of this section.

(F) The fees levied under this section shall be in addition to all current fees levied by the city for construction permits since all existing fees are inspection and compliance fees to defray the costs of inspections and plan reviews. All existing construction/building permit fees described elsewhere in this code are hereby declared to be inspection and compliance fees regardless of whether they may be called permit fees or inspection fees.

(Ord. 1826, passed 8-4-09)

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**ELECTRICITY PROVISIONS**

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